

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEM AND METHOD FOR INTELLIGENTLY SCALING MESSAGE PROCEDURE/DATA SETS TO ADAPT THE PROCEDURE/DATA SETS TO RECEIVER ATTRIBUTES AND MAINTAIN MESSAGE INTENT**, the specification of which

(check one) ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>none</u>			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/627,357</u>	<u>07/28/00</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
<u>09/627,645</u>	<u>07/28/00</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
<u>09/627,358</u>	<u>07/28/00</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
<u>09/628,205</u>	<u>07/28/00</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications listed below:

none  
(Application Serial No.) (Filing Date)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B. Chickering, Reg. No. 24,286; Richard F. Treccartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert, LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

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Address all correspondence to:

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ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

Daniel H. Illowsky

Inventor's signature:

*Daniel H. Illowsky*

Date:

November 4, 2000

Residence:

Cupertino, California

Citizenship:

UNITED STATES

Post Office Address:

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Cupertino, California 95014

Applicant or Patentee: Daniel H. Illowsky  
Serial or Patent No.: \_\_\_\_\_  
Entitled:

Attorney Pocket No.: A-69991/RMA  
Filed or Issued: herewith

**SYSTEM AND METHOD FOR INTELLIGENTLY SCALING MESSAGE PROCEDURE/DATA SETS TO ADAPT THE  
PROCEDURE/DATA SETS TO RECEIVER ATTRIBUTES AND MAINTAIN MESSAGE INTENT**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am  
[ ] the owner of the small business concern identified below:  
[X] an official of the small business concern empowered to act on behalf of the concern  
identified below:

**STORYMAIL.NET, 15729 Los Gatos Boulevard,  
Los Gatos, CA 95032**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **SYSTEM AND METHOD FOR INTELLIGENTLY SCALING MESSAGE PROCEDURE/DATA SETS TO ADAPT THE PROCEDURE/DATA SETS TO RECEIVER ATTRIBUTES AND MAINTAIN MESSAGE INTENT** and having the named inventor **Daniel H. Illowsky**

[X] the application filed concurrently herewith  
[ ] Serial No. \_\_\_\_\_ filed \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

[ ] NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

[X] NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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SIGNATURE

  
Daniel H. Illowsky  
Vice President & Chief Technology Officer,  
15729 Los Gatos Boulevard, Los Gatos, CA 95032

DATE November 4, 2000